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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,167	09/28/2001	Hao-hua Chu	10745/027	4931

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EXAMINER

RIES, LAURIE ANNE

ART UNIT	PAPER NUMBER
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2176

MAIL DATE	DELIVERY MODE
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01/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/967,167

Applicant(s)

CHU ET AL.

Examiner

Laurie Ries

Art Unit

2176

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): 1-4, 6-35, 37-41, 43-53.
6. ☒ Newly proposed or amended claim(s) 1-4, 6-35, 37-41 and 43-53 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 1-4, 6-35, 37-41 and 43-53.
Claim(s) objected to: _____.
Claim(s) rejected: 42.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

William S. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER

Claims 1-4, 6-35, 37-41, and 43-53 are allowed.

Claim 42 remains rejected under 35 U.S.C. 103(a) as being unpatentable over "User Interface Markup Language (UIML) Draft Specification Document Version 17", Harmonia, Inc, hereafter referred to as "Harmonia") in view of Templeman (U.S. Patent 5,845,303).

As per independent claim 42, Harmonia discloses a system and method of dynamically adapting a presentation generated by an application to a display screen of any of a number of different device platforms including a) providing a number of graphical user interface components in a hierarchical configuration, the graphical user interface components being platform independent with respect to the number of heterogeneous device platforms. (See Harmonia, Page 23, Section 6.4), b) arranging the graphical user interface components on a page as a function of the hierarchy (See Harmonia, Page 24, Section 6.4.1), and where b) includes nesting, or identifying graphical user interface components that represent the lowest hierarchical level and a highest layout priority within the hierarchical configuration (See Harmonia, Page 24, Section 6.4.1, Paragraph 2).

Harmonia does not disclose expressly c) creating a device platform dependent presentation by selectively transforming one or more of the graphical user interface components to adjust the size of the page to be closer to the maximum fill of a display screen of one of the different device platforms running the application than filled without transformation.

Templeman discloses adjusting or transforming the size of a GUI component to maintain consistent relationships between frames when frame sizes change (See Templeman, Figure 4, and Column 8, lines 39-48). Templeman further discloses that metaforms, or GUI components, may be customized for use with a particular display type or size to optimally utilize available screen space (See Templeman, Column 5, lines 27-29).

Harmonia and Templeman are analogous art because they are from the same field of endeavor of creating graphical user interfaces. At the time of the invention it would have been obvious to a person of ordinary skill in the art to combine the arrangement and transformation of graphical user interface components of Ikemoto with the method of adapting a presentation to heterogeneous device platforms of Harmonia. The motivation for doing so would have been to optimally utilize the available screen space on a particular output device. Therefore it would have been obvious to combine Templeman with Harmonia for the benefit of optimally utilizing the available screen space on a particular output device to obtain the invention as specified in claim 42.

William S. Bashore
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PRIMARY EXAMINER